

February 24–25, 2015 | Marriott Bloor Yorkville | Toronto

The Canadian Institute's 12th Edition

Privacy Law & Compliance Conference

PRIVACY AT THE CROSSROADS

A distinguished faculty of legal and privacy professionals will provide you with insights into:

- The latest developments on the new class action cases based on the tort the 'intrusion upon seclusion' which may revolutionize data breach litigation
- Information sharing and disclosure post *Spencer*
- A full session on CASL and CASL phase 2 'the computer program provisions'
- An industry panel session on increasing privacy concerns and what it means for data collection and analytics
- Recent developments in cloud computing, regulatory guidance and coming international standards
- Data breach remedies; the case for Cyberinsurance
- If a data breach occurs, what are the steps to be taken?
- Workplace privacy issues; what does a reasonable expectation of privacy mean regarding social media, drug and alcohol testing, workplace surveillance and other flash points
- Privacy in health sciences; data security and health information, an uneasy relationship and is PHIPA enough?

Develop your skills by attending the Post-Conference Workshops:

- A** Nymity; Implementing effective data privacy accountability solutions at your organization in a 'hands on' workshop
- B** KPMG Information Management; Analyze the risks and merits of your data destruction practices in a 'defensible data destruction' workshop

Co-Chairs:



Éloïse Gratton
Partner
**Borden Ladner
Gervais LLP**



Dr. Avner Levin
Director Privacy and
Cyber Crime Institute
Ryerson University

Benefit from real-world experience from these industry leaders:

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**Sunnybrooke Health Sciences
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Nymity Accountability Solutions

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Risk Consulting**



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7:15 Registration Opens and Refreshments are Served 

8:15 Opening Remarks from Co-Chairs

Éloïse Gratton

Partner and National Co-Chair of the Privacy Practice Group, **Borden Ladner Gervais LLP**

Dr. Avner Levin (SJD, Toronto)

Director of the Privacy and Cyber Crime Institute **Ryerson University**

8:30 Keynote Address 'Privacy at the Crossroads'

Chantal Bernier

Counsel, **Dentons Canada LLP**

Ms. Bernier comes into private practice after a long and distinguished career serving the public, most recently leading the Office of the Privacy Commissioner of Canada as Interim Privacy Commissioner and as Assistant Commissioner. Drawing on her deep experience in the privacy field, Ms. Bernier's keynote will highlight how privacy law and policies need to adapt to a new reality of risks to preserve the right to privacy. Ms. Bernier poses the question; how do we embrace progress of information technology and benefit from the richness of its holdings, while preserving the fundamental right, and visceral need, to privacy? This presentation seeks to identify and explore these cross-roads to propose a path forward for each.

9:30 Recent Developments in Privacy Law Jurisprudence and Regulation Part 1

Alex Cameron

Partner, **Fasken Martineau**

There have been significant new developments in the legislation and jurisprudence regarding privacy, including the recent damage awards and certification of class action litigation cases for violations of privacy. Mr. Cameron will highlight and discuss important new cases and trends based on a breach of privacy rights. He will discuss:

- What are the flash points of current cases and class actions concerning breaches of privacy?
- Are there new paths for remedies in health information litigation?
- What recent and anticipated legislative developments should organizations be aware of?

10:15 Networking Refreshment Break 

10:30 Recent Developments in Privacy Law Jurisprudence and Regulation Part 2

Tim (Timothy) M. Banks

Partner, **Dentons Canada LLP**

The question of how and when personal information can be shared across organizations and when it can be disclosed pursuant to investigations is a fast moving issue.

Mr. Banks will discuss the implications of information sharing provisions among organizations in the context of fraud protection, and in the event of law enforcement investigations. He will discuss:

- What do the accountability provisions require in S-4, the Digital Privacy Act?

- Post *Spencer*, what should your policies be regarding law enforcement requests for information?
- What should you do if you receive a preservation order under new Bill C-13, the Protecting Canadians from Online Crime Act?

11:15 CASL Update and Phase 2

Barry B. Sookman

Senior Partner, **McCarthy Tetrault**

Mr. Sookman will bring his expert commentary and advice to bear on the new provisions in CASL including the new 'computer program provisions' of phase 2 which will come into effect in January 2015.

This session will bring you up to date on the regulatory guidance from the CRTC, its interpretation and on-going issues with this controversial legislation.

12:00 Networking Luncheon

An audience with:

David Goodis,

Assistant Commissioner (Acting), **Office of the Information and Privacy Commissioner of Ontario**

1:15 Privacy and Big Data: The Way forward

Moderator:

Dr. Avner Levin

Director of the Privacy and Cyber Crime Institute **Ryerson University**

Panelists:

David B. Elder

Counsel, **Stikeman Elliott**

Jan Kestle

President and Founder, **Environics Analytics**

David Stewart

National Leader Analytic and Forensic Technology **Deloitte LLP**

Stephanie Rich

Assistant General Counsel Privacy and Ethics Officer **AIMIA**

Big data and its collection is more and more frequently regarded by the public as intrusive and a potential violation of their right to privacy. At the same time, the world of big data and the analytics brought to bear on it has never been more important. This industry focused panel will explore where privacy regulations have been and where they are headed given the exponential rise of a new world of data, the potential use and abuse of data and whether customer consent may be a path forward.

2:15 Cloud Computing and Privacy Considerations

Lisa R. Lifshitz

Partner, **Torkin Manes**

Increasingly the collection of big data requires big storage. Ms. Lifshitz will present on emerging cloud computing issues.

- Cross border data transfers; which laws apply to data stored in the cloud?
- Cloud computing privacy responsibilities and considerations; guidance from the Office of the Privacy Commissioner and provincial regulators
- Minimum requirements of cloud provider's and third party subcontractors

- The new cloud computing standards of ISO/IEC 27018:2014
- Best practices re data security

3:00 Networking Refreshment Break ☕

3:15 **Data Breach Remedies: The case for Cyberinsurance**

Moderator:

Dr. Avner Levin
Director of the Privacy and Cyber Crime Institute
Ryerson University

Panelists:

John Russo
Vice President, Legal Counsel & Chief Privacy Officer
Equifax Canada

Russell P. Cohen
Partner, **Orrick, Herrington & Sutcliff LLP San Francisco**

Gregory L. Eskins
Senior Vice President, National Cyber Practice Leader, **Marsh Canada Limited**

Identity theft, lost and stolen data are major problems for both individuals and organizations when they occur. While increasing vigilance is important, insuring against breaches and theft is an increasingly important response. The panel will explore questions such as;

- How does one insure against data breaches?
- Cyberinsurance, what's covered and what is not
- Identity theft and cyberinsurance
- Practical tips for improving cyberinsurance coverage, maximizing insurance recovery following a data breach
- Emerging cyberinsurance issues

4:15 **Data Breach Remedies: If a data breach occurs (and it will) now what?**

Éloïse Gratton
Partner, **Borden Ladner Gervais LLP**

Most organizations, regardless of their size, reputation or their efforts, will at one time or another be facing the occurrence of a security breach affecting personal information in their custody or control.

Ms. Gratton will provide a detailed and comprehensive analysis of how to respond to data breaches including:

- Evaluating the breach, and the risk for the organization and the public
- Who should be informed, how should they be informed and what information should be included in the notification?
- Are there multiple parties and multiple jurisdictions?
- What assistance can be offered to individuals affected by the breach?
- What should your communications plan include?
- Case studies and scenarios

5:15 **Day 1 Closing Remarks from Co-Chairs**
Conference Adjourns

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8:15 Coffee Served ☕

8:45 **Opening Remarks from Co-Chairs**

9:00 **Workplace Privacy Roundtable**

Moderator:

Éloïse Gratton
Partner, **Borden Ladner Gervais LLP**

Panel:

Daniel J. Michaluk
Partner, **Hicks Morley LLP**

Dean Dolan
Vice President, Associate General Counsel and Privacy Officer, **Wal-Mart Canada Corp**

Lisa Stam
Partner, **Koldorf Stam LLP**

Michael Lynk
Associate Professor of Law, **Western University**

This session is comprised of a roundtable with a panel of experts who will discuss, with delegate participation, current issues in workplace privacy including; BYOD, workplace surveillance, drug and alcohol testing, social media use and implications, 'cyberloafing', freedom of expression in the workplace, the use of biometric identifiers, location tracking of employees, predictive workplace analytics, the challenges in managing a global privacy program across different jurisdictions, and other current workplace privacy topics in the context of important recent case law.

10:45 Networking Refreshment Break ☕

11:00 **Privacy Risk and Emerging IT Governance Issues in Health Care**

Jeff Curtis
Chief Privacy Officer
Sunnybrooke Health Sciences Centre (Toronto)

Mr. Curtis will bring his knowledge of health privacy, based on his expertise and experience in both IT and Privacy Governance, and discuss;

- How the privacy office has evolved from ensuring legislative compliance to an operational assurance function with the information technology and services group
- How the IT governance function in health care is only recently starting to be addressed from a privacy perspective
- Looking ahead, what are the implications for privacy functions in an increasingly shared system and in an audit and compliance focused environment?

Michael Power
Lawyer and Author

Health care information is often the number one privacy concern of individuals, but at the same its effective use necessarily entails the collection and management of large amounts of data. In this session Mr. Power will explore emerging concerns such as:

- Is data analytics and personal health information a proactive tool or invasive practice?
- Regarding disclosure; should new rules be imposed on non custodian recipients?
- Information stewardship, is PHIPA enough?
- Health technology; should location matter anymore?

12:00 **Concluding Remarks from Conference Co-Chairs**

12:15 Conference Concludes

Post-Conference Workshops | Wednesday, February 25, 2015

1:15 pm – 3:15 pm (Registration Opens at 12:45 pm)

A Demonstrating Accountability Workshop NYMITY

Lauren Reid

Director, Accountability Solutions, **Nymity**

Jessica Lavery

Manager, Accountability Solutions, **Nymity**

Accountability has become an increasingly important concept in privacy around the world, and Canada has emerged as a leader in bringing the concept to the practical realm. This workshop will clarify the meaning of data privacy accountability and discuss the reasons organizations today are looking for solutions to demonstrate accountability. We will discuss a number of approaches to demonstrating accountability, focusing on the Nymity Data Privacy Accountability Scorecard™. After the introductory presentation, the session will explore; approaches to Demonstrating Accountability, the Nymity Data Privacy Accountability Scorecard, and then move into a hands-on workshop demonstrating accountability using a Scorecard with Real World Case Studies for Demonstrating Accountability. Participants will be able to either follow along with an example or create their own Scorecard. At the end of the workshop, participants will be able to answer the question: 'how do you know your privacy program is effectively implemented?' All participants will also receive a free copy of the book "A Privacy Officer's Guide to Demonstrating Accountability" as well as support materials and access on online resources.

3:30 pm – 5:30 pm (Registration Opens at 3:00 pm)

B Defensible Data Destruction

V. Nicole Godin

Senior Manager, Information Management, Risk Consulting, **KPMG**

The workshop will provide attendees an opportunity to learn about the emerging trend known as Defensible Data Destruction "DDD" within an information risk management context as well as provide them with guidance on how to assess the risk and merits of their own organizational data destruction practices. Operational – managed storage costs; system performance management; infrastructure decommissioning cycles and technology obsolescence; data value lifecycle. Legal/regulatory – privacy requirements related to destruction; Sedona principles and associated search and production requirements; records retention rules; legal holds; spoliation. Governance – information management policy alignment; Records Retention Schedules; monitoring/reporting and oversight of data lifecycle performance and risks; Compliance – evidence effective compliance controls related to management of organizational information Principles for best practice-taking a risk based approach to DDD.

* A light lunch will be served for those staying for the afternoon workshops.



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For information on hotel room availability and reservations, please contact the Marriott Bloor Yorkville at (416) 961-8000 and request the 'Canadian Institute's Preferred Corporate Rate'. To book online, please go to the Marriott Bloor Yorkville website and click on the "Special Rates & Awards" drop down menu and use Corporate/Promotional Code "KN8".

Registration Fee

The fee includes the program, all program materials, coffee breaks and lunches.

Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. **Group discounts available to 4 or more individuals employed by the same organization, who register at the same time. For more information on group rates, please call 1-877-927-7936.**

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You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **The Canadian Institute** in writing no later than 10 days prior to the program date and a credit voucher will be issued to you for the full amount paid. Credit Vouchers are valid for 1 year and are redeemable against any other program by **The Canadian Institute**. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the program date. **The Canadian Institute** reserves the right to cancel any program it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **The Canadian Institute** for changes in program date, content, speakers or venue.

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Top Reasons to Attend

- ✓ Hear from our keynote speaker Chantal Bernier on where privacy in Canada has been and where its going
- ✓ Participate in an in depth panel on the latest developments on workplace privacy issues, trends and recent case law
- ✓ Learn in an in depth session steps to mitigate data breaches
- ✓ Discover the key concepts from industry experts as big data, analytics and privacy issues merge.
- ✓ Follow the latest developments in privacy and data breach litigation , legislative reporting and disclosure requirements, as well as the new CASL computer program provisions

To expedite your registration, please mention your Priority Service Code

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PRIVACY AT THE CROSSROADS

Who You Will Meet:

- General Counsel
- Chief Privacy Officers
- Compliance Managers
- Risk Managers
- Privacy Officers
- FOI and Records Management Specialists
- Privacy Ombudsman
- Chief Information Officers
- IT Security Managers
- Corporate Affairs Managers
- ATIP Directors
- Managers of Compliance/ Enforcement
- Policy Advisors
- Private Practice lawyers
- Litigators, Labour lawyers

Éloïse Gratton was "Brilliant" and "worth the complete attendance over the two days"

Goldie Pagnotta, CPO, The Data Group of Companies

"Interesting topics and strong speakers"

Rosita Bhagat, Director, Compliance Audit, Scotiabank